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THE
MISREPRESENTATIONS

OF

"A MEMBER OF THE HICKORY CLUB" IN REPLY TO DR. MAYO'S

"SKETCHES," &c.,

REFUTED.

BY ROBERT MAYO, M. D.

11



WASHINGTON:
PUBLISHED FOR THE AUTHOR,
BY GARRET ANDERSON
1837.

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THE
MISREPRESENTATIONS
OF
"A REPLY," &c.
REFUTED.

By a perusal of the following extracts from the *Globe* and the *Intelligencer*, the Public will, at once, be in possession of the incentives which have impelled me to this hasty refutation of certain statements, which I had contemplated to defer for a more leisurely and fuller *Expose* than I have time or space for here. I feel rejoiced, however, that circumstances have induced me to abandon the first purpose of procrastination, as some erroneous impressions might become fixed, in quarters where any future notice might not reach them.

From Saturday night's Globe, September 30.

An answer to the publication of Dr. Robert Mayo is in press, and may be had on Monday next, at the bookstore of Garret Anderson, who is authorized to receive orders for any number that may be required.

From Monday morning's Intelligencer, October 2.

"AN ANSWER TO DR. MAYO'S PUBLICATION."—This is the title of a publication announced for to-day, in Saturday night's *Globe*, without the name of the author. It evidently comes from some portion of "the Kendall faction," to whom I am thankful for the notoriety they are giving to my publication among their friends; as it will be likely to serve a good purpose, by insuring a hearing before all parties, who are disposed to examine statements on both sides, and judge for themselves. I cannot pretend to pre-suppose the purport of this answer. My statements and deductions have been made upon documentary evidence: it will, therefore, be difficult for the author of the Answer to *gainsay* them upon a contradictory *suite* of documents. But, whatever may be the character of his statements, I shall give them such notice as they may deserve.

R. MAYO.

From Wednesday morning's Intelligencer, October 4.

A CARD.

In my *Caveat* in the *Intelligencer* of yesterday's date, in relation to the announcement in Saturday night's *Globe*, of "An Answer" (forthcoming) to a publication of mine, I remarked, that "I could not pretend to pre-suppose the purport of that answer; that my statements and deductions had been made upon documentary evidence; and that it would, therefore, be difficult for the author of the

"Answer to *gainsay* them upon a contradictory *suite* of documents; but that, whatever might be the character of his statements, I should give them such notice as they may deserve."

I, accordingly, procured a copy of this publication, upon its appearance yesterday morning, and found it to be a vile compound of misrepresentations, perversions of truth, and absolute falsehoods; destitute of a single material truth, and scarcely containing one immaterial *circumstance* of truth, except to set off, and give coloring to, a grosser falsehood. It is, moreover, as I had conjectured, unaccompanied with a single document or reference upon the main issues, to impart even the verisimilitude of truth to its statements; but jesuitically attempts to change the main issues of my publication, by producing a diversion of public attention to personalities to me—both false in their nature, and irrelevant to the matters pretended to be answered.

Though this is an anonymous production, and bears internal evidence of its emanation from the vilest of sources, I shall not treat it with the silent contempt generally awarded to such effusions. But it will take a large portion of a book, already in promise to the Public, to comprise the full exposure and refutation of its vile statements; nor, indeed, could I ask it of the Editors of the *Intelligencer*, or any other journal, to befoul their columns with a suitable rebutter, in kind, to such a tissue of stuff from an anonymous ———.

I shall not be diverted, however, by clamors or false issues, from my settled purpose, of giving to the Public that history of late occurrences here, which I have promised; embracing a refutation of this anonymous libel among them. And I take this occasion to invite the communication of any facts, in corroboration of the purport of my promised "*Sketches of eight years in Washington*," from whomsoever may be in possession of such facts, with references sufficient to entitle them to publicity.

R. MAYO.

WASHINGTON, October 3, 1837.

From Wednesday night's Globe, October 4.

TO THE PUBLIC.—I perceive, in the *Intelligencer* of this morning, a "*Card*," signed "R. Mayo," attempting to deny the statements contained in a "*Reply*," by a "*Member of the Hickory Club*." He says: "*It is unaccompanied by a single document, or a reference upon the main issues, to impart even the verisimilitude of its statements.*" This is false, because I quote two resolutions, one of which is upon the record, and the other is not to be found. Does he not, by his "*card*," deny the authenticity of the following Resolution, as having been offered by himself?

"*Resolved*, That, as a means of increasing our confidence in each other, and strengthening our number, it be recommended to the members of this Club, that, in their transactions with the citizens of Washington, for themselves and as agents for the public, they confine themselves to *our political friends*."

To give the "*Doctor*" a fair opportunity to vindicate himself, I challenge him to nominate, through the public papers, a friend, to meet one whom I will select in the same manner, to examine the recorded proceedings of the "*Club*," and give their written opinions upon the correctness of the points at issue. Now, then, he has a fair opportunity of sustaining himself, if he can; and if he does not accept of this offer, it will be *prima facie* evidence of the correctness of my documents, and the falsehood of his "*suite*" of "*documents*."

A MEMBER OF THE HICKORY CLUB.

On Friday, the 6th instant, upon examination of the *Globe*, the above met my eye for the first time, having been informed by an acquaintance that such an article was in that paper of Wednesday night. Seeing the pertinacity of the anonymous author, in urging an issue with me upon matters more personal to me than material to the statements of my former publication, which he professes to have answered, I determined immediately to address him the following note, through Mr. Anderson's bookstore, whose agency this "*Member of*

the Hickory Club" had advertised, for the sale of his "Reply," &c., deeming that to be the most direct channel I had any authorized knowledge of, through which I could be certain it would reach him.

(Copy.)

WASHINGTON, September 6, 1837.

To "A Member of the Hickory Club:"

Your name, sir, if you please, is desired by

Yours, &c.,

ROBERT MAYO.

Upon calling at the store of Mr. Anderson, on Saturday evening, a note addressed to him, was handed to me for perusal; and, on Monday morning, a copy of it, here subjoined, was furnished me by Mr. Anderson, who retains the original.

(Copy.)

October 6, 1837.

Sir: The author of the Reply will receive nothing from Doctor Mayo, except through the same channel which he commenced the debate. If he feels himself personally aggrieved, the author of the "Reply" is ready and willing to give him any satisfaction that he may solicit. The author of the Reply has been actuated alone from principle, and that which he thought due to an injured public servant.

(Signed)

THE AUTHOR.

True copy:

H. ANDERSON.

Having early received some strong surmises who this "Member of the Hickory Club" is, I felt some repugnance to noticing him in any other way than in the regular routine of my promised publication, as stated in my Card of the 3d October. But judging, from his reiterations in the Globe, and by further reflection upon the internal evidences of some of his statements, that he has been thrust forward by others, as a decoy-duck, to divert public attention from more important matters, which probe them to the quick, and fix that attention upon the rubbish they have thrown together, I determined to pay my respects to the parties immediately, by demanding the name of the putative author. This has been refused, however; and my alternative now is, forthwith, to take as brief a notice of this production as possible, necessarily deferring a full Expose, for the general settlement adverted to in my Card above quoted.

Some apology may be due to the public for giving any serious entertainment to these misrepresentations. To say the most charitable thing possible of them, if their authors are, in reality, so ignorant of facts, as to believe what they set forth, they do but liken themselves unto a parcel of monkeys in a philosopher's laboratory, so confounding, breaking up, and besmearing every thing, as to give some perplexity to the professor to recognise, or make any thing of his apparatus afterwards. I shall make the best of it, however, commencing

with their first words, and accompany them, step by step, through all their allegations, paragraph after paragraph.

First Paragraph.

"In noticing the strictures of Dr. Mayo upon the Postmaster General, I am actuated by a sense of duty which I owe to my fellow-men, to candor, and to truth."

Here is a prepossessing and solemn pledge of truth, candor, and duty, which, as far as naked words and professions go, would not discredit a prelude to the most righteous ceremonial. But when it is discovered to be the preface of the vilest of misrepresentations and disingenuous perversions of truth, to give coloring to grosser falsehoods, it must be viewed as sheer profanity—aggravating the sin of his false statements.

In the second sentence of the same paragraph—

He alleges that I am possessed of a *grovelling, selfish, and petulant disposition*, as evinced by *every act of my life*.

There is not one act of my life that evinces a grovelling or a selfish disposition. He has not cited one, and I defy him or any other man to do it. On the contrary, the *erectness* and the *munificence* of my whole life, would establish the very reverse of this gratuitous and malignant assertion. The most ample documentary evidences of these facts are in my possession; and the facts themselves are sufficiently known to all who have had an early and continuous acquaintance with me, to dispense with a detail of them here, to rebut a gratuitous assertion of an anonymous slanderer, without reference to proof. As to the other count, if I am not the best tempered man in the world, or even if I am far otherwise, I am not singular in that respect. I believe, however, that I have never shown a want of equanimity or moderation of temper, except when I have encountered some vile knave, or some intolerable fool; and common repute will declare, that there are enough of these in every man's walk, occasionally to discompose the even tempers of the most philosophic, intelligent, and honest of purpose, in every community.

I am charged with having become so *unpopular* in Richmond, that I was *compelled* to remove—having been engaged in several *encounters* with individuals.

As to the precise nature or extent of my want of popularity, I cannot vouch, nor can any man safely aver for himself in such a matter. But I will recount a few circumstances, by which the reader may form some estimate of this equally gratuitous assertion, as, in every other instance, without even an attempt at proof. When I first came to Washington, some time after the inauguration of General Jackson,

when nearly all the principal offices here had been distributed among his political friends, I was recommended to the President, by about *fifty of the most respectable citizens of Richmond*, for the office of Librarian to Congress, "should it be in his contemplation to remove the then incumbent." Among these, was the late Governor, William B. Giles, and the Mayor of the City, several members of the Common Hall, the Bar, and the Faculty. This document, I believe, is yet in the possession of General Jackson, with many testimonials of the same purport, that have not been returned to me, as others have been, all going clearly to discredit the scandalous intent of the above assertion. That I was unpopular with some of the citizens of Richmond, partly on account of my advocacy of the election of General Jackson, and partly from some personal causes of trivial import, (not affecting the honor of a gentleman,) I have no doubt; but no one will say I was ever backward to meet and respond to any personal grievance, real or imaginary, even on political grounds. But, that I was under any influence whatever, in leaving Richmond, other than my own free choice and preference, is utterly and maliciously false. And any one who knows me, knows that I am among the last in the world who could be actuated by any other than a free, open, and upright demeanor, regardless of any ulterior views to popularity. Popularity is a thing that I never sought. It is a whimsical sentiment that as rarely *follows* merit as *eschews* it. Where is General Jackson's popularity, now, in his own State of Tennessee, and in the very district of his dear Hermitage! Who will say that Amos Kendall could be elected for a Justice of the Peace, or a Constable, in any hamlet of this Union, upon leaving the Post Office Department! Popularity is too often an inconvenient commodity, which requires such an equipoise on all sides, that few men can find the means to balance. I seek it not, nor has it ever entered my brain to modify my conscientious convictions of right conduct, for such a tinsel; if it comes, I have no objection; but all I ask of the world is *civility* and *justice*—and let any man beware of withholding these. It is true, that I have had several encounters in Richmond. I have flogged some persons there, and have evinced my readiness to add to the number, if necessary. I have also done the same here, and have no doubt I shall take a hand again soon; but what does this prove? Not that the cases cannot justify themselves, as they have heretofore fully done. Perhaps we here find somewhat of a reason why this *Anonyme* secretes his name. Yet I am not particularly fond of the sport, except when wantonly offended. Probably I also rendered myself unpopular with some persons, by espousing the maltreatment of the prisoners when I was Physician to the Richmond jail,* out of which

* I must refer to [A] in the Appendix, for the law regulating the police of these institutions throughout the State, as a representative of all the other documents on this subject, too numerous to be introduced with it.

resulted not only my discontinuance as Physician to the jail, but that which was greatly more grateful to my soul than the place I lost—the reform of the whole jail system of police throughout the State, by the Act of the next Legislature. Probably I farther rendered myself unpopular with others, by exposing, through the columns of my paper, to a subsequent Legislature, the enormous favoritisms extended by the President and Cashier of the Virginia Bank to the house of Rogers and Harrison, in discounting their *wind-drafts** without laying them before the Board of Directors, by which they were enabled to engross something like a monopoly of the tobacco trade of Richmond; for the investigation of which, with other matters, a committee of the House of Delegates was appointed, who reported, thereon, a forfeiture of the Bank charter; but, from the advanced period of the session, the report was not definitively acted upon,—and, before the next session, the President and Cashier had, no doubt, mended their ways, and a conciliatory spirit probably interposed for their forgiveness and peace.

In the former case I was admonished by a friend, that I would lose my office; in the latter it was intimated to me, that I would bring on myself the denunciations of the moneyed power; but neither had the effect to divert my course, or abate my ardor. And those who know me best here, well know that, in the enterprise of detecting a fraud upon the public faith, or exposing an abuse of trust, I look not to the preservation of my rations, or the conciliation of favor from the hand of corruption. Here is a case, in which one who is accused of a mercenary or “selfish disposition,” brings to the bar of public opinion the President and Cashier of a powerful and popular moneyed institution, and, as it were, holds their faces to the grindstone for a season; and another case, in which I sacrificed office for the public good, before I came to Washington; and five times have I done the same thing since I came here; yet this profound casuist would pretend, in the conclusion of his first paragraph, that I have been fighting for office all the while. The idea of *fighting for office*, while continually *fighting one’s self out of office*, betrays a fatuity of intellect, only befitting the mind that could make such a stupid jumble of falsehoods and nonsense that characterize the whole of the pamphlet under review. Such an intellect could never comprehend the nobler motive of sacrificing one’s self for the public good. And, indeed, I fear it is too rare a virtue, in the present day, to be fairly appreciated by many. However that may be, none of these consequences ever came on me by surprise, nor would I change my course, were it at my option to do so.

* I must also refer to [B] in the Appendix, (being an extract from the report of the Committee of Investigation,) as a representative of the other documents on this subject.

Second and Third Paragraphs.

It is here alleged that the Hickory Club was established to disseminate "democratic principles," &c.

I have already shown, in the other publication, that this was the plausible declaration of its object, by which a great number of persons were induced to aid in its establishment, and to become members. And I have also shown, that Kendall, who originated this scheme, as a means of promoting his own ambitious views, has been the most flagrant violator of those principles, in various ways; and, particularly, in appointing all the members of his family to office, to the tune of \$12,000 a year. Who is there, among his then zealous proselytes, who could have anticipated this, while they were aiding him to disseminate his plausible doctrines! or that his professions of democracy would degenerate into Fanny Wrightism, under the newly invented disguise of *loco focoism*, to gull the "democracy of numbers" withal, and enrage their phrenzy against the settled institutions of their country, and the peace of society, threatening anarchy and revolution, by the adventitious aid of foreign paupers, to glut their desperate cupidity, and advance his ambitious aspirations to have our "*infant*"* Government placed under his tutelage, and put into leading strings of his fabrication! There can be no doubt, that all the facilities of the Post Office Department are now in full requisition, to advance and mature these schemes; and that the spirit of mobocracy, which has been so contagious for several years past, originated in a conspiracy of this father of *loco focoism*. When these convictions began to beam upon my mind last winter, I immediately resolved to expose them; which I did, in part, in the columns of the Washingtonian, and in the "Sketches," &c., recently published. Will Amos Kendall deny the authorship of another "declaration of principles," published in the New-York Evening Post, over the signature of "Loco Foco," which lays the axe of revolution at the roots of all our corporate institutions, State and Federal? Will he deny that he wrote letters to Harrisburgh, a winter or two ago, urging the revocation of the charter of the United States Bank of Pennsylvania? Will he deny his agency in establishing the Democratic Herald, of Philadelphia, as a stronghold, and place of refuge, for himself and *loco focoism*, should he be turned adrift from the Government here? If he denies these two facts, I have the proof that he lies.

It is also asserted, that Mr. Kendall took no part in the proscriptive memorial, &c., but that the first movement was made by me.

There can be no necessity for me to exhaust time or space here, upon this falsehood, as I have shown, by Kendall's own letter, in

* See an extract from Kendall's speech, at the Hickory Club festival, recently published in my "Sketches."

connexion with other statements in my former publication, what part he took upon this occasion, being the *third edition* of proscription. I have, also, there stated what part he took in the *second edition*, which he originated by inviting my assistance, through a clerk in his office, the avowal of which was afterwards made to me, personally, by Kendall himself. This proscriptive list of opposition clerks was afterwards published in the Extra Globe, of the 1st May, 1831. The list was made out by myself and his clerk, alluded to, by desire of Kendall, and we had no choice, whatever, in the ultimate disposition of it, except that one copy, as well as I recollect, was handed to Kendall by his clerk; certainly another copy was handed to the President by myself, to take such a course as the parties, who dictated the rules of reform, and were to adjudge the merits, might think proper to give it. I have also demonstrated, by the most indisputable evidence, in the same publication, that the first edition of reform or proscription had been in active operation before I ever presented myself here, and of which I could have no knowledge. Yet the originators, the perpetrators of the measures of persecution on the one hand, and favoritism on the other, are now, and have been, ever since they were marked with the reprobation of public opinion, endeavoring to back out of their responsibility, and rest it all upon my shoulders, partly because they have some plausibility in my fearless avowal of the part I took, and partly to revenge themselves upon me for presenting specifications against Administration men as well as others, and thereby defeating their plans.

These documents will show for themselves hereafter, notwithstanding this attempt of the Kendall faction, through their mouth-piece, to forestall them.

It is further represented, that I was dismissed* from the Pension Office, because I had neglected my business, in proscribing others, &c.

This is a positive falsehood, uttered in the face of a letter from Governor Cass, then Secretary of War, to the Hon. Louis McLane, then Secretary of State; which letter was before the eyes of this

* I refer to the class of documents [C] in the Appendix, further to demonstrate the false statements of the "Member of the Hickory Club," in this case. It will be perceived, by a perusal of these documents, *what kind of game was then commenced to be played off upon me*, after the failure of the third edition of proscription—a game of appalling and unequal odds, to any one but him who is fortified with truth and resolution. The game to be played was that which has been practised upon thousands of others by Executive chicanery, to kill me off, by false pretences, and *frail* promises, never intended to be fulfilled. And what made this game the more difficult for me to baffle, was not the universal example of others, in succumbing to the same artifices, but in finding that the President was obviously won over, to lend his authority to this course towards me, after giving his decided sanction, upon frequent consultations, to the "principles of reform," sketched out and submitted to his examination. Fearful, indeed, must have been the task, to

“Member of the Hickory Club,” at the time he made this assertion, it being published in the introduction to the “Sketches” he pretends to answer. That letter bears a date some days after the Memorial and Proscriptive List was laid before the Cabinet; and it concludes, by stating, that, “from the fact of an important business having been

most men, to attempt to win back Andrew Jackson to himself, and to a sense of justice to me, in every case of my dismissal from office by heads of Bureaux of his own appointment. But I did succeed, and, I believe, as much to his credit as my own, considering all the circumstances by which he was surrounded. If, in filling up the details of individuals, whose acts and disqualifications subjected them to be embraced under these heads, there were found more of General Jackson's own appointments, and political friends, under the most exceptionable of them, is that my fault? Should I have rejected the representations made against them, though the most heinous, and have selected only those made against his political enemies, though the least reprehensible! Yet, I say, this has been my offence: and whilst, by the course of fairness I determined to pursue, I have been the means of exploding this petty, one-sided proscription, no man has yet had it in his power to appreciate my action in this matter, but the unworthy portion of the political friends of the late administration, under whose vindictive hands I have received a full measure of revenge. But retribution will surely come, though I take the thing more at my leisure.

For a further vindication of myself, I here subjoin a copy of the abstract of the Principles of Reform; the detail of specifications must await the coming of more leisure and space.

Principles of Reform laid before the President in 1833.

“Do not the following Specifications indicate the subjects of salutary reform, by the removal of the incumbent in the more objectionable cases, and by the interdiction of the future repetition of the minor offences?”

1st. “There are, in the different departments of the Government, those who have held office exceeding twenty years, being more than five presidential terms—amounting to something like a life estate in office, in utter subversion of the conservative republican principle of rotation.

2d. “There are minors and women taken into the public service as clerks, in direct violation of that responsibility which the law requires of every officer of Government, the phraseology of which uniformly contemplates maturity of years and the masculine gender.

3d. “There are those who divert the patronage of this Administration from its friends and supporters, by bestowing it on its bitter revilers and deadly enemies, in violation of a fundamental law, which declares it treason to aid and comfort our enemies in time of war, thereby committing virtual treason against the chosen Administration of the people, while the most implacable and untiring enemies of the Republic are yet in the field.

4th. “It is a practice, more or less general, in some of the Departments, to authorize the clerks to raise accounts for extra services, contrary to the spirit as well as the letter of the law, which regulates the compensation of officers in the Departments.

5th. “Clerks in some of the Departments are permitted to absent themselves from duty without excuse of ill-health or urgent business, from two to three months, or more, in succession, at the same time drawing their full pay, while those left at their desks have to assume increased burthens.

6th. “Without knowing how general this practice may be, it is stated to me, that a clerk in one of the Departments was permitted to withdraw from the service about the first of March, and date his resignation, to take effect the first of April, drawing his salary for a month after he had withdrawn from the City.

7th. “The payment of the salaries of deceased clerks for some time after their deaths, has, I am credibly informed, been a very general practice.

recently intrusted to him, [meaning my compilation of the Pension Laws, as a clerk of the Pension Office,] I have been brought considerably in contact with him, and have found him *attentive*, well-informed, and capable." [Dated May 2, 1833.]

Fourth Paragraph.

"The Doctor was then out of employment, and instead of seeking it elsewhere," &c., &c.

Here, this egregious blunderer, leaps over a space of four years, and all the remarkable incidents it evolved, in the Land Office, in the Patent Office, and elsewhere, to write a tissue of falsehoods in relation to the office I now hold, to which I was appointed this day year; not, as he says, by the Chief Clerk of the War Department, but by an arrangement between the President and Governor Cass, upon the President's return here from Tennessee, and before the latter left here for France. As this blunderer also seems to think it material to state to the public that my salary is \$800—his malice in that, may likewise be exposed, by stating the fact, that my salary is \$95 per month, being within a fraction of \$1,200 a year, out of which I live as parsimoniously as possible, devoting all I can spare to liquidate debts, incurred here, and unavoidably postponed and jeopardized, to the injury of innocent creditors, by the cruel loss of time and employment that I have suffered at the hands of delinquent friends of the Administration, who actually deserved a worse fate than mine, while I should, at least, have been protected, or have been heard. But let me ask this mouth-piece of Kendall, who gives the salaries? Shall I be subject to such niggardly jibes, if they are distributed upon the principles of favoritism, like those practised by Kendall to the *youthful* members of his family, as well as the *decrepid of age*, over the ratio of services they can ever perform, to the exclusion of more capable men. I am content with what I get,

8th. "There are those who perform little or no service for their salaries, but devote their office hours, sometimes to walking the streets and frequenting the Hotels, at other times, to reading the newspapers, talking on politics, and other irrelevant matters, in office, to the great annoyance and interruption of those associated with them, in utter disregard of the oath of office.

9th. "There are those who patronize, by their own practices, gambling to excess, intoxication to excess, and frauds upon creditors, apparently as a systematic business.

10th. "There are those who empoison the avenues of public intelligence, by defamatory denunciations against the Administration, vilifying the President and his friends, regardless of the obligations of decency, of justice, or of truth, and in violation of their oath to be faithful.

11th. "There are a great many who entertain the most relentless hostility to the union of the States, who declare their adhesion to Duff Green and Mr. Calhoun, and openly denounce the President and his friends, while they advocate disobedience to the laws and the Constitution, under the disguise of nullification and secession, preparatory to the establishment of two empires, with the Potomac for the dividing line."

though I might be entitled to more, on a comparison with others, who get double as much.

Fifth Paragraph.

I am here charged with "causing the removal of Alexander McIntyre, and endeavoring to remove Dr. Craig, then Superintendent of the Patent Office, to make room for myself."

This is false in all its bearings. I knew not of the President's intention to turn out Mr. McL., and was surprised to hear of it, when it was done, though I was put in his place. All I ever said of him to the President was several years before this occurrence, in the proscriptive list, upon information furnished by Thomas B. Reilly and others, in connexion with statements of much more reprehensible facts against friends of the dominant party. The allegation is equally false in relation to Dr. Craig. Both himself and Mr. McL. had recently been brought to a severe test for their official conduct, by an investigation* ordered by Mr. McLane, then Secretary of State, and

* Here follows the letter of the Secretary of State, in which that investigation resulted. I have only to say, that if these facts had been discovered in any manner through my agency, no appointment would have been given me in that office, as the heads of Bureaux are, as a general rule, permitted to keep about them those who are "agreeable to them."

DEPARTMENT OF STATE,

Washington, March 28, 1834.

SIR: I have examined the charges preferred against you by Mr. William P. Elliot, together with the evidence taken in the case, accompanied by the report of the Commissioner appointed to conduct the investigation.

In the progress of this examination, I have seen much in your conduct, and in that of Mr. Steiger, which is deserving of censure, and much that it is difficult to excuse; but I refrain from doing more, at the present time, than to lay down the following directions:

You are, hereafter, to preserve and file all the official correspondence, of whatever character; you are to keep a book corresponding to that which was formerly kept in the office, under the name of the "Caveat Book," in which are to be entered all such descriptions as are received from persons not desirous of immediately taking out patents for their inventions.

The ninth section of the Act of Congress, of February 21st, 1793, is to be carefully observed, and no case is to be considered as exempt from its application, until the patent is *actually* issued. The regulations heretofore prescribed by the Department in regard to copies of drawings, and to the employment of clerks, in preparing papers relating to business which is to be acted on by the Department, or copying papers on file or of record in the Department, the former of which bears date on the 17th of October, and the latter on the 16th of December last, are to be strictly obeyed. And in the construction of the former, all the drawings upon the same sheet of paper, representing different parts of the same invention, are to be considered as one drawing, and to be charged for accordingly. No original papers are, at any time, or on any account, to be suffered to be taken from the office, without the special permission of the Secretary of State.

You are desired distinctly to understand, that a failure to comply with either of these directions, if discovered, will be promptly noticed, and will be considered as good and sufficient cause for your removal from your present station.

I am, sir, very respectfully, your obedient servant,

LOUIS McLANE.

JOHN D. CRAIG, Esq.

published in pamphlet form, (in compliance with a resolution of Congress,) of which I had no knowledge whatever, until after the removal of Mr. McL., and my appointment. I had, however, been but then recently informed by Mr. Kendall, that Dr. Craig would probably be dismissed, without learning upon what grounds, and he promised, personally to solicit the President for the appointment, for me. I doubt whether he ever did, however, and I certainly did not.

Sixth Paragraph.

The purport of this paragraph is to charge—that I endeavored to procure the removal of Colonel Ashton, at that time Marshal of the District, that I might obtain his situation—and that, if appointed, I would remove Mr. Dyer, on whose account I had reproached Col. A., &c.

I did present Col. Ashton to the Grand Jury, as has been stated in my former publication; but it is false that I ever desired the office of Marshal. Thomas B. Reilly, the brother-in-law of Col. Ashton, was the individual who first mentioned to me that Col. Ashton's dismissal was confidently expected, in consequence of some irregularity about the fees of his office, and suggested to me to apply for the situation. I told him instantly, and distinctly, that I would not have it if it were offered to me; that my habits of life were sedentary and unsuited for the activity it would require; but that even were it suitable in every respect, I could not hope to succeed, or I should before now have had more justice done me in other respects. After this, I heard no more of that matter. And as to the case of Mr. Dyer, I am free to say, that when I first came here, he, whom I knew not, and a great many others, equally then unknown to me, had already been turned out of office purely for *opinion's sake*, whatever may have been the valid charges that justified the removal of some few others. I also found that Mr. Dyer was very shortly afterwards appointed to office by Col. Ashton, who was indebted for his appointment to the removal of Mr. Ringgold. This impressed me as a most damning inconsistency! If Mr. Ringgold was a fit subject for proscription, and it so far met Col. A.'s approbation as to reconcile it to himself to accept his despoiled office, upon the same principle he could not appoint Mr. Dyer, who had also been found a fit subject for party proscription at least, in another branch of the absolute government of executive unity and indivisibility! I, therefore, as a green novice, thought Mr. Dyer's appointment (in the abstract, without knowing him) was culpable in Col. A., or, that there was gross culpability elsewhere, in the boasted unity! Following out these reflections, is no evidence of my desiring the removal of Mr. Dyer. I utterly deny, and before the world defy such an inference. But how stands the case since I have become acquainted with Mr. Dyer? Before God, I aver, that

I never met with a nobler-hearted man ! Nay, more, from the acquaintance I have since formed with several others, who were also turned out of office, before I came here, in the same unceremonious manner, neck and heels, taking them as a corps, I have been astonished to find so much merit *ejected* from the public service ! Nor is that all :—only behold the contrast—aye, the contrast ! and mark me : should that happy time ever arrive, when the Congress of the United States shall be sufficiently dispossessed of the fiend of party, to permit the glorious impulses of patriotism to resume the dominant sway of their hearts, and, among other things, contrast the group of officers turned out and officers put in their places—looking at this group and then at that, their souls would sink within them, sickened with the mixed feelings of mortification and chagrin, indignation and shame !!! And has it come to this, that such a foul blot upon the nation's character, under the operations of the first edition of reform, before I came here, should now be attributed to me as my work, when, in fact, I have done more than every man besides, to put a stop to it, and verily believe that it is forever exploded.

Seventh Paragraph.

This anonymous wretch next charges me with ingratitude to Amos Kendall ! alleging that I had received "relief from his private purse," &c.

Ingratitude to Amos Kendall ! the last man in the world to know what gratitude is, or to perform an act by which a debt of gratitude could be incurred by another towards him. This charge, I presume, is founded upon some representation of Kendall's, which is *worse than false*.

The facts are these : In those, to me, trying and treacherous times, I could not comprehend why I was permitted to be made a sacrifice, for aiding, by invitation, in furnishing the information sought for, to enable the Executive to fulfil the pledges to the country, of a salutary reform. It was about this time, after being dismissed from the Pension Office, while I was continually receiving broken promises to restore me to employment ; with professions of good will from Kendall and others in the matter, that Kendall *first* suggested to me the idea of "leaving Washington," as a piece of friendly advice. This hypocritical counsel rent the veil of delusion in which I had been wrapped, and exhibited to my mind a revelation of duplicity that really astounded me. I did not rashly determine, however, from this, that his professions of good will were entirely insincere, though his letter from Baltimore had already shaken my faith in him. I resolved, therefore, to put him to a more substantial test, of trifling amount withal, that the inference might be divested of all doubt, if so trifling an amount should be refused. I asked him, at one of these interviews, to lend me *two* or *three* dollars, believing that if I was des-

tined, in his opinion, to be sacrificed, he would refuse ; but if not, that he would find no difficulty in making the loan, on the prospect of a future provision to be made for me. He did refuse, however, so *pitiful a loan*. I urged my situation, and hope of appointment : He could not be moved. I told him a mutual friend in office (Major Thomas Harrison, then in the General Land Office) owed me five dollars, which he would pay at the end of the month, when I could return the three requested. He then relaxed, and said if I "*would bring him an accepted order on that gentleman, for five dollars, he would let me have it!!*"—which was done the next day. This document, if yet in being, I hope to produce before this is through the press ; if not, the gentleman is in this District, and will no doubt certify to it.* And this is the marvellous act of kindness that Kendall now boasts of, through his anonymous tool—but, in fact, it told a tale of his heart, that he little suspected could be read by me, ever since which I have kept my eye fixed upon him, and have noted the confirmations of these suspicions, as I have partly published in the pamphlet, that this toad-eater of his professes to answer.

Eighth, Tenth, and Eleventh Paragraphs.

I look upon the 8th, 10th, and 11th paragraphs, devoted to a panegyric on Amos Kendall, in relation to his agency in the removal of the Deposites, &c., &c., as a full confession of the conspiracy charged in my former publication. A merit is made of this acknowledgement, I presume, as he probably thinks the *loco-foco* cause is getting to be a strong one.

Ninth Paragraph.

Here, this liberal advocate affects to charge me with something new, or unknown, before, as the political editor of the *Washingtonian*, published here during the last session of Congress. This has never been denied or concealed by myself, but freely avowed to every one that choose to inquire. Moreover, the publisher was requested to refer any inquiries that should be made, to me. Did Kendall or any one else make any such call ? They did not.

The other assertion, however, in his 9th paragraph, that I was then soliciting office from any one, much less of Amos Kendall, is utterly false. At that time, for several months before, (and ever since, which

* Here it is :

WASHINGTON, October 13, 1837.

DEAR SIR : I certify that you drew an order on me, in favor of Amos Kendall, in October or November, 1833, for five dollars, which I accepted, and paid at the end of the month.

Yours, respectfully,

THOMAS HARRISON.

Dr. R. MAYO.

is a long time for me, I was in the office I am now in, and hazarding dismissal, if there were not an end to proscription for *opinion's sake*, and officers of the Government, as well as others, allowed to breathe a little more freely.

Twelfth Paragraph.

In this paragraph there is, perfectly in character, some foolish stuff about my giving information to Mr. Wise, &c.

When Mr. Wise first came to Congress, as a friend of the late Administration, the effort to enlighten General Jackson's mind in relation to abuses that had taken deep hold among many of his own officers, particularly in the Post Office, Land Office, Pension Office, and Patent Office, had failed. In quality of *friends* of the Administration, as well as myself, I did hold conversations with Mr. Wise, Mr. Chinn, and Mr. J. Y. Mason, respecting these abuses, and urged upon the two latter gentlemen, repeatedly, that the friends of General Jackson, in Congress, ought to volunteer to assist the President in correcting these abuses, or they would, assuredly, at some subsequent time, be corrected over his shoulders by his political enemies, to the eternal disgrace of his Administration. I also expressed the same admonitions to several other *political friends*, whose names I withhold; but I advert to the names of Mr. Chinn and Mr. Mason, because they are now out of the line of political aspiration, and did nothing at the time, that I know of, to further my suggestions; and I mention the name of Mr. Wise, because he has shown that he is not *afraid*.

Thirteenth Paragraph.

It is here imputed to me, that I have aspired to the highest offices under the Government.

This is false, with all the rest. The highest office I ever asked for was the Consulate to Tripoli, and for no office here of a higher salary than the chief clerkship in the Patent Office, which is \$1,700, and was refused with a double injustice, by the Yankee trick of turning me out of what I had, under the secret instigation of Kendall, as I have reason to believe, which shall be made apparent hereafter.

Fourteenth Paragraph.

For a most learned and able commentary upon the "order of the late President in relation to insolvent clerks," the subject of the above paragraph, I will refer to the columns of the *Intelligencer*, where I am told it is daily expected to appear under the proper signature of an intelligent Magistrate of this District.

Fifteenth, 16th, 17th, and 18th Paragraphs.

These several paragraphs are devoted to a great discovery of a "*Resolution*" on the records of the Hickory Club, recommending a preference to political *friends* over political *enemies*!!

I thank the "Member" for this precious result of his labored research. If Kendall did denounce this resolution, as stated, he gave the lie to his own practice, or his practice gives the lie to his principles, or rather the still grosser spoils principles of the party, practised with variations, ever since they came into power, until public indignation put a stop to it. I say if Kendall did denounce it, his hypocrisy is a greater disgrace than his irregular practices in its *observance* and its *violation*, as the case suits him in distributing the favors of his office, of which there are numerous examples of both. But the fact is, I was not the author of the resolution; it was handed to me by Thomas B. Reilly, the Recording Secretary of the Club, for presentation, as well as I recollect; and I took for granted, of course, that it was orthodox from Kendall, and this is the first intimation I have had of his opposing it. The resolution only held up to the Club the mirror of their own party action; and if they were ashamed of so mild a portraiture, where will they hide their heads from the faithful representation of their real acts of *favoritism* undeserved, and *persecutions* unto death—both equally derogatory to the interests of the public service!!

Nineteenth and Twentieth Paragraphs.

Having thus far progressed in this business of lying, so much to his satisfaction, this wretch, here reverts back to the subject of his *second paragraph*, on the origin and object of the Hickory Club, where he had not yet acquired the hardihood of throat to gulp so gross a falsehood—but now opens his well-trained organ, and declares that "Mr. Kendall, instead of being the originator of the Club, did not know of its existence until several meetings had been held, nor until Dr. Mayo had become a member."

Mr. Kendall was the originator of the Club, the original patron of the Club, to disseminate democratic principles, to indoctrinate our "infant Government" in Presidential elections, &c; and the plan of its organization was arranged between himself and Major Thomas B. Reilly, (with the aid probably of others,) during their retreat at Jackson Hill, from the cholera, then raging in the city, where it had commenced in Kendall's family. On my being initiated into the plausible part of the plan, (for the ulterior ends were best known, perhaps, to Kendall alone,) I was pleased with it, and became a zealous advocate, as they, no doubt, anticipated, from my wonted temperament of enthusiasm in what I undertake, if I am once convinced it is right. I did, accordingly, wait upon many of the most respectable friends of the Jackson party, (first taking the counsel of Kendall as to whom I

should call on or avoid,) to inform them of the project, and invite their attendance at the American Hotel. Mr. Kendall attended this first meeting, and every other meeting afterwards, when the weather permitted, until the "blow-out" at the Club festival, of which I have given an account in my former publication. He was also the chairman of the committee to prepare the Declaration of Principles, and all other documents for general circulation; and this was perfectly natural, or the Club could not have been so perfectly his organ, as, from the first, *intended*.

As to the reiterated denial that Kendall had any designs to change the political character of this District, by the patronage of the Government, I quote the words (or their tantamount) of his friend, Thomas B. Reilly, for the declaration, that "it is Mr. Kendall's opinion that the entire population of this District ought to be changed"—with political views of course, as these were always the burthen of his thoughts, as well as mine, whilst I was walking with that faction, hoodwinked and enveloped in midnight or pitch darkness.

Twenty-first and Twenty-second Paragraphs.

This poor creature, who is destitute of the endowment, by nature or education, to judge of disinterested and elevated motives, accuses me of endeavoring now, to ingratiate myself with the Whigs for future advancement.

Let me ask Mr. Kendall, in whose service this wretch seems to be engaged, if he begins so soon to despair, even at the beginning of a four or eight years' Administration? And even if the Whigs, with the reinforcements going on, should turn tables upon these new-fledged *loco focos*, what am I to do without his good graces in the meantime? I am surely a poor calculator, of interests at least, as it would appear by his own showing, who charges me, elsewhere, with being so selfish.

Twenty-third, 24th, 25th, 26th and 27th Paragraphs.

These paragraphs are devoted to a little contemptible flummery about himself, about democracy of numbers, contest of *wealth* against *liberty*, insidious demagogues, and a "mess of pottage"—the St. Lawrence and the Gulf of Mexico!!

Twenty-eighth, 29th and 30th Paragraphs.

Here, this poor creature turns, once more, to the records of the Hickory Club, (in the keeping, I presume, of Thomas B. Reilly, Esq., who was the Recording Secretary,) to show that a resolution I quoted in my former publication, as having been offered by myself in the Club, and rejected, is not there to be found—the resolution purporting to call upon Jackson men who hold, or desire to hold office, to the ex-

clusion of opposition men, on account of various vices and other objections stated—to “present clean bills of officer-like conduct and qualifications of their own.”

If the resolution does not appear on the record, it is not my fault. There is such a thing as “expunging,” that has been in great favor with some people, and I thought more favorably of it myself, once, than I do now. But whether it has been practised in this case, or the resolution merely *omitted* from the record, is immaterial to me. It was offered and rejected, and I have among my papers the original rough draft from which it was copied. But this is only *one* of the *many* evidences which the documents, the memorial, the supplement, the “abstract of principles of salutary reform,” and the specifications, amply afford, of the very essence of this same resolution, endeavored to be established under the President’s own sanction, in carrying into complete effect, a sanative reform, for the good of the service, without regard to party, except to give his own political friends preference, *ceteris paribus*, over political opponents—but never to eject an efficient and meritorious opponent for *opinion’s sake* merely, and the more especially, *not*, in order to give his office to a political friend, of inferior merits in every respect, merely because he happened to shout —“huzza for Jackson!!”

Thirty-first, Thirty-second, and Thirty-third Paragraphs.

In these paragraphs, this wholesale liar concludes his strictures with the vilest yet, of all his scandals; in one place declaring that I applied to Kendall for the chief clerkship of the Post Office Department, and became offended because it was refused; that I fabricated an account against the Department, for the services of my brother, &c., &c.

I never did apply to Kendall for the chief clerkship of the Post Office Department; it is a most infamous lie, whoever declares it. And as all such applications are made in writing, sustained by written recommendations, let him exhibit the proof.*

To set the matter, in relation to my brother’s services, in the clearest light, I have thrown into the Appendix authentic copies of the documents in the case, marked [E,] to which I now refer. The account was presented—but why? First; Because it was a just one, as will be seen from the documents, though not with any expectation that Kendall would have the justice to pay it; if he had, it would have been an agreeable disappointment. Secondly; Because it was a more valid and equitable claim than many others which had come to my knowledge, from time to time, allowed and paid in several of the Executive Departments, without the merest shadow of a pretence that

* The correspondence which took place on the occasion referred to, will speak for itself, in the Appendix, Class [D,] with the remarks accompanying it.

the services claimed had *ever been performed*; and, thirdly, if *this* account should be rejected, I should have a strong case of the penurious injustice and oppression of this Government of *unity* in one Department, to set off its reckless prodigality and low favoritism in the same, and other Departments. So that here are, I presume, reasons that look to the public good, as well as reasons that sustain individual rights, while they hold up the mirror to the perpetrators of prodigality to favorites and oppression to the friendless, at the expense of the PEOPLE'S purse, and in mean and secret derision of their misplaced confidence!!

That my brother extended to me a participation, in loan, of his scanty purse, I have always freely avowed; nor is this the first time that Kendall has had the meanness to advert to it. But what are the circumstances? We were partners in misfortune long before we came here; nor was it, by any means, the least of our misfortunes that we ever took it into our heads to advocate the election of General Jackson, against the remonstrances of friends; one of whom, a distinguished military officer, in the frankness and sincerity of his heart, used the homely but expressive admonition to me, *ne sutor ultra crepidam*; but all was in vain: I was an enthusiast, and would not be diverted from a purpose that had plausibly promised so much public good—a sad delusion! Yes, my companion in misfortune, my brother, followed my destinies here, buoyant with the exultations of a Jackson victory, and when we thought we could encounter the expenses of house-keeping, we clubbed our little means, to pay for furniture, &c., &c. Who objects? Does any man but Amos Kendall! My brother had command of whatever he wanted, and I would have sold out, at any time, to refund him, if he had desired it. In fact—be it spoken to *his infinite praise*—his wants were but small, and he ever regarded mine with more heartfelt concern, *than his own*!!

In conclusion, I feel myself bound to say, that I have ample cause for revenge upon my persecutors here, and not those alone who secrete themselves behind an anonymous tool. Not for the loss of ten years of the most precious portion of my life and my professional patronage, heedlessly pledged upon a party-colored card;—that was my own look out; nor on account of my own personal sufferings; nor yet to avenge, alone, the death of my brother, by over-exertion in the Post Office Department, to please those about him, though to me cause enough for revenge in the sight of God! but there have been other fatalities growing out of these persecutions, operating through maternal sensibilities, that entwine around every nerve of my heart, and shall never be effaced from it.

WASHINGTON, October 14, 1837.

APPENDIX.

[CLASS A.]

[The following communication was made to the Richmond Compiler, to show the authority on which I had ordered certain comforts for the prisoners, and the legal provisions, to the same effect, that grew out of it.]

From the Richmond Compiler, 1823.

[COMMUNICATED.]

RICHMOND, 19th February, 1823.

To the Honorable Court of Hustings :

GENTLEMEN: I beg leave to solicit your attention to the accommodations and discipline of Henrico Jail, where the prisoners of your Court are confined, jointly with those of the County Court and the Superior Court of Law. That you may understand the ground upon which I presume to makethis request, I lay before you the following copy of a letter I addressed to the County Court on the 3d inst., and a copy of the order of that Court consequent thereon.

(Signed)

R. MAYO.

RICHMOND, 3d February, 1823.

To the Honorable Court of Henrico County :

GENTLEMEN: You will perceive by the resignation of my brother, Dr. E. Mayo, as Physician to the prisoners of your Honorable Court, that I have authorized him to nominate me as a candidate to the vacancy. But, before you have decided upon your choice, I beg leave to propound a single query which may possibly have some effect on your election, either in my favor, or against me, as its affirmative solution will be essential to my acceptance of the appointment.

The query is—whether do you not conceive it to be the duty of the superintending physician of any public institution to have cognizance of the causes which conduce to health, or disease, as well as of the means of curing or palliating diseases when they actually do occur? And that the attending physician may visit and inspect such institution, from time to time, at his discretion, and appeal to the authority from whence he derives his appointment, if he discovers noxious causes which he cannot procure to be otherwise corrected, &c.. &c.

Yours, &c.

(Signed)

R. MAYO.

After the above communication, I was told by one of the presiding magistrates, that the Court were pleased with my suggestion; and the next morning the Clerk handed me the following order.

*In Henrico County Court, }
February 3d, 1823. }*

Ordered, That Dr. Robert Mayo, be requested to superintend the prisoners in the Jail of Henrico County, until an appointment is made by this Court.

COPY—Teste,

J. B. WHITLOCKE, C. H. C.

Under these circumstances I felt myself authorized to examine, immediately, into the condition of the prisoners; and the result was a discovery of evils calling most imperiously for instantaneous relief. Accordingly, I have caused them to be remedied at the smallest possible expense, with the full confidence that the measure will be sanctioned by the Courts concerned. Other defects were also apparent, but not being sources of momentary and grievous distress to the prisoners, may be corrected

at leisure. I will proceed to the separate detail of these grievances, and conclude with a few remarks on the discipline that seems proper to be observed by the turnkey. &c., &c. * * * * *

[Omitting the detail of these documents, here follows a sketch of the Law that grew out of them, which is their substantial representative.]

SKETCH OF THE LAW.

"Henceafter, every County and Corporation Court shall keep in good repair a sufficient jail, well secured with iron bolts and bars, &c., and with apartments sufficient for the convenient accommodation of the prisoners; so that convicts and slaves, may be kept separately from each other, and from other prisoners; such apartments to be provided with adequate windows, and fire-places or stoves. In case the jails do not come up to this description, the Court shall forthwith proceed to take the necessary measures to make them conformable to this act; under the same penalties as are now imposed for failing to erect and keep in good repair a good and sufficient jail: The jailer to furnish every prisoner with sufficient and reasonable bed and bedding; to have the rooms well white-washed, at least twice every year, always cleanly and well-aired; in case of sickness, to have the prisoners adequately nursed and attended, and if necessary and practicable, in a separate room; an additional allowance to be made by the Court to the jailer chargeable in the same manner as other fees of sick prisoners are now chargeable; for failing to discharge these or any other duties required by law, in relation to prisoners, the jailer is liable to a fine of thirty dollars for each offence, to removal from office, and therefor to be forever disqualified from holding the office of jailer in this Commonwealth. The inspectors of jails, required by law are to be three in number, one of them, at least, to be a physician, if to be had; and the judge appointing them, is to instruct them, specially, in the nature of their duties, and to administer them an oath in the following form: [Here follows the oath, embracing a particular enumeration of the duties required of the jailer in this act; on all which points the inspectors are to report to the Court:] if their report should fail in any respect to respond to these requisitions, it is to be recommitted to them until they shall fully report on all these matters.

This act is to be given in charge to the grand juries at every term of the Superior Courts, who shall present any offences against the same; and the General Assembly earnestly recommend to the judges of those Courts, to make at every term a personal inspection of the state of the jail, the treatment of prisoners, &c. A jailer is to be liable to a fine of thirty dollars for each offence for permitting the intemperate use of ardent spirits.—No slaves to be received in a jail, for safe keeping, except on warrant of a magistrate, or other public authority; and except slaves taken in execution by any sheriff or coroner. Before the judge of any Superior court shall direct the claims of guards employed by any jailer in consequence of the bad repair or insecurity of the jail, to be paid by a county levy, or corporation tax, he shall make a rule on the justices of such county, &c., to shew cause against the said order; the service of the rule on the Commonwealth's attorney for such County, &c., to be considered a sufficient notice to the justices. If a runaway slave be confined in a jail, not provided with adequate clothing, the jailer shall furnish him with proper clothing or other necessities; the cost to be adjusted by the Court of two justices, and to be paid by the owner before he receives the slave; or out of the proceeds of the sale of such slave, if sold according to law at the end of twelve months."

[CLASS B.]

From the Jackson Republican of March 12, 1827.

VIRGINIA LEGISLATURE.

BANK OF VIRGINIA.—It will be recollected by our readers, that, in consequence of great public discontent at certain alleged abuses, practised by the President and

Cashier of the Virginia Bank, (the purport of which the editor of this paper felt it his duty, as a public organ of communication, to lay before the House of Delegates,) a special committee was raised for investigating the matter, with power to send for persons and papers. This committee completed their laborious duty, a few days before the adjournment of the Legislature, and made a most lucid and able report upon the subject; pronouncing a very severe censure upon the Directors, the President, and Cashier, for transending the powers delegated to them by the charter and by-laws of the institution. The report will be found at length, here subjoined; and will be read with satisfaction by all friends of free competition, and enemies to monopoly in trade. We recommend the discrimination made by the committee between *bona fide* bills of exchange, and domestic or *wind-drafts*, to the particular attention of the Directors, or they may incur fearful consequences in the final disposition of this matter, at the next session of the Legislature.

REPORT.

The select committee appointed to inquire into the power of the Directors of the Banks of this Commonwealth, with regard to vesting in their Presidents and Cashiers, the power to discount drafts and bills of exchange, and whether that power be expedient or not; also, if any abuse has grown out of the exercise of that power, and if any abuse, to what extent, respectfully submit the following Report:

Your committee, in the examination of this subject, have confined their attention to the Bank of Virginia, being of opinion that the session is too far advanced to allow them time to enter into any other investigation. And supposing, from the nature of the charges preferred against that institution, that the affairs of the Bank of Virginia were referred to this committee, as the subject of its particular consideration. * * * *

[Omitting the balance of the Report, the Resolutions of the Committee are subjoined.]

1. *Resolved, therefore, as the opinion of this committee,* That it is not competent for the Board of Directors of the Bank of Virginia to invest the President and Cashier, or any other person, with general and unlimited powers to purchase bills of exchange.

2. *Resolved, also, as the opinion of this committee,* That it is inexpedient that the President and Cashier of the Bank of Virginia should possess the unlimited power of discounting bills of exchange and drafts, as at present exercised by them.

3. *Resolved, also, as the opinion of this committee,* That the incidental power of *discounting notes*, which has arisen from the exercise of the general power of purchasing bills of exchange, and discounting drafts, is an abuse of that power, even if that power be legitimately conferred.

4. *Resolved, also, as the opinion of this committee,* That the reasoning contained in the foregoing report applies as well to the charter of the Farmers' Bank of Virginia, as to the Bank of Virginia, although this committee, not having examined into the course of business in that Bank, is not prepared to express an opinion as to the propriety of its proceedings.

[CLASS C.]

[The following letter was addressed to the President, at Boston, upon receiving the notification which follows it.]

(Copy.)

WASHINGTON, June 21, 1833.

To his Excellency *The President of the United States*, at Boston.

SIR: Yesterday morning, at 10 o'clock, a carriage stopped at the Pension Office door, having my brother in it, on his arrival from Richmond, taking me in his way

from the steanboat to my house. At sight of him, I perceived he was in *death*. I immediately got into the carriage with him, and we drove in a walk home. After providing every comfort for him, I returned to the office to arrange my desk, lock it up, and hasten back to him.

In the afternoon, while sitting by my brother's death-bed, I received from Mr. Edwards, by the messenger of the office, a notice, countersigned by Mr. Robb, that my services would be no longer wanted, after the last of this month. This morning, at 10 o'clock, my brother expired.

I know not what connexion my leaving the office in the morning, has with the notice given in the afternoon; but the triple calamity, nevertheless, exists, whereby I lose in one twenty-four hours, the dearest friend on earth, except my wife, the friendly aid of his salary, and my own.

Taken in any point of view, there would appear to be some personality in this notice; for it is a fact, that there are, besides the old clerks, thirteen other temporary ones now employed in the Pension office, on fixed salaries, who came into the office *since I did*: two or three of whom are destitute of some of the most indispensable qualities for efficient clerks.

I have thought it advisable to apprise your Excellency of this procedure, as I apprehend the Secretary of War may not be with you at present, and I should not know, with certainty, where to address him in time to hear from him before the end of the month. I should, therefore, be very thankful if your Excellency would direct a suspension of these orders until your return to the seat of government.

Hoping that you have realized, in your tour, every gratification, and improvement of health, I remain, ever, your most obedient servant.

R. MAYO.

[On his return to Washington, Majer Donelson informed me, in answer to my inquiries, that this letter was received, and handed to the President, in Boston, but that no action was taken on it.

After the arrival of the President, from his tour, early in July, the following documents, above alluded to, were laid before him, and he made the endorsement appended to them.]

[1.]

WAR DEPARTMENT, PENSION OFFICE, *June 20, 1833.*

SIR: Enclosed, is a copy of a note to the Acting Secretary of War, accompanied by a copy of his order, subjoined to said note, which I now communicate to you for your information. Very respectfully, your obedient servant.

J. L. EDWARDS.

TO DR. MAYO.

[2.]

WAR DEPARTMENT, PENSION OFFICE, *June 20, 1833.*

SIR: At the close of the present month, I can dispense with the services of Messrs. Mayo, M·Blair, and Stiles. I deem it my duty to make this communication to you, in order that they may be duly notified that their employment here will cease at the termination of the month.

I have the honor to be, very respectfully, your obedient servant.

(Signed)

J. L. EDWARDS.

JOHN ROBB, Esq., *Acting Secretary of War.*

Let the gentlemen above named, be notified accordingly.

(Signed)

JOHN ROBB,
Acting Secretary of War.

'True copy:

JOHN D. WILSON.

PENSION OFFICE, June 29, 1833.

The Hon. JOHN ROBB, *Secretary of War, Acting :*

SIR: On the 20th instant, I received an official notice of that date, from Mr. Edwards, and countersigned by yourself, that my "employment in the Pension Office would cease at the termination of the month."

After due reflection upon this notice, together with all the circumstances connected with my employment in the Pension Office, I have thought it advisable to state, for your consideration, the following facts, that you may judge whether this notice is strictly conformable to the *good of the service*, and to the *spirit of that reseration* in the notice promulgated by the Secretary of War on the 28th of March last, which says, these changes will be made "on the nomination of the Commissioner of Pensions, *when the period arrives rendering a selection necessary.*"

The facts are these: my employment in the Pension Office is of a two-fold character. 1st. On any part of the current business of the office, arising out of the increase of business under the Act of June 7, 1832, assigned me by the Commissioner. 2d. A special charge from the Secretary of War to compile and superintend the publishing the Pension Laws, together with the opinions of Attorneys General, and regulations of Secretaries of War, in regard to the execution of those laws, with an analytical index to the whole.

1st. The first branch of business still continues to exist, to a very considerable extent, and greatly exceeds that stage of increase at which I was brought into the office; there being still retained in office twelve or fourteen persons who were introduced *since* myself, not as *clerks*, but as *job-workers*, and who might be presumed to be liable to be dispensed with, as the business subsides to the stage at which it stood when they were engaged. For, to dispense with those who were employed on the first stage of increase of business, and retain, as *clerks*, those who were employed as job-writers, *since* the date of the Secretary's notice, of 28th March, and that, too, without nomination to the Secretary himself, appears to me to be a double violation of the *spirit* and the *letter* of that notice. The business I was first employed on in the office, in stating the quarterly returns, is now more than four-fold; and that on which I am now engaged, is still abundant in my desk. In executing the business intrusted to me, there has not occurred a blunder to my charge. A few have been reported to me for correction, but they were always traced to *other hands*, or ascertained not to be errors, but strictly *correct*, and I can quote the instances. Not so, however, in relation to some of those who are retained, who came in as job-workers, since the notice of 28th March; their blunders are numerous and flagrant, and come, frequently, under the observation of the Commissioner; so that the good of the service, if not seniority of employment, might have dictated a different nomination for dismissal.

2d. In relation to the special charge from the Secretary of War, to publish the Pension Laws, it is utterly impossible, in the nature of the work, that it should be finished before the Secretary of War returns, and that was fully known to him before he left the seat of government; for the analytical index, which is yet to be made out, must be submitted to the Secretary, for his approval, before it can go to press. This engagement, alone, in my view, necessarily retains me in office until the Secretary of War returns.

All of which is most respectfully submitted to the consideration of the Acting Secretary of War, by his very obedient servant,

R. MAYO.

(Signed)

DEPARTMENT OF WAR, March 28, 1833.

SIR: In order to prevent disappointment, and that the gentlemen now employed in the Pension Office may have ample time to make other arrangements as soon as

the reduction of business there may render their services unnecessary, you will please to make known to them, that, as fast as the public interest will permit, the number of clerks will be reduced. Those who hold appointments under laws existing previously to June, 1832, will be permanently retained. All the others, being temporarily employed, will be subject to discharge whenever their services are not wanted. Mr. Evans, Mr. Sylvester, and Mr. Rice, are indicated as three who will be continued, while business, under the Act of June, 1832, requires their services. The others will be selected on the nomination of the Commissioner of Pensions, when the period arrives rendering a selection necessary.

This information is thus early given, that all the gentlemen interested in the subject may be aware of the temporary nature of their duties, and that the discharge of some, and the retention of others, can give no just cause of offence to any, as no one has a claim to preference.

Very respectfully, I am, sir, your obedient servant,

(Signed)

LEWIS CASS.

To JAMES L. EDWARDS, Esq., *Commissioner of Pensions.*

True copy :

JOHN D. WILSON.

[These papers were thus endorsed and returned to me by the President.]

"The Acting Secretary of War [John Robb] reports, no duty for those clerks to perform," therefore their further services not wanted.

(Signed)

A. J.

[The above endorsement not being satisfactory, *nor the report true*, I addressed the following letter to the President, with its enclosures, which follow it. On these papers a reference was endorsed, to "be laid before the Secretary of War." The Secretary of War always acted towards me with the greatest kindness, but did not undertake to overrule the injustice of the above action, though he continued my engagement on the compilation intrusted to me, till completed, as shewn by my report to him, [6] of the 15th August, 1833, at the rates of my salary as clerk.]

[5.]

WASHINGTON, July 12, 1833.

Your Excellency is entreated to excuse me for conveying to you the inclosed statements, which substantiate the points taken in my former communications on my case.

I am now literally unhorsed and unarmed, (except with truth,) fighting in an open field, against a numerous enemy, armed with poisonous weapons, behind fortified batteries, while my followers have been wounded and dispersed in the onset. Standing out to the last myself, though mortally wounded, I know not how to give up, except as a martyr, while I cling to my unwavering trust in you.

Cannot my case remain *statu quo ante bellum*, until Governor Cass comes home?

Truly,

R. MAYO.

To the PRESIDENT.

[a.]

WASHINGTON, July 11, 1833.

DEAR SIR: In compliance with your request, I state, that, in January last, after General Van Ness and myself were appointed commissioners to investigate certain charges, having relation to the Ordnance Department of the Army and Navy Com-

missioners Office, we gave notice to Mr. Burdine, now said to be a clerk in the Pension Office, who had been in the Ordnance Office, to appear before us for the purpose of giving testimony. He did not appear, as requested by us, and we directed our clerk, Mr. Jourdan, to ascertain to what office he belonged, that we might procure an order from the head of the appropriate Department, directing him to attend, according to an assurance to that effect which had been given, I think, by the President. Mr. Jourdan reported that Mr. Burdine had been transferred from the Ordnance, to the Pension Office; but being dissatisfied with the arrangement, had not reported for duty, and was not then considered under the control of government. We, therefore, took no step to procure any order directing him to attend, and he did not attend, though several times requested.

With great regard, your obedient servant,
Dr. R. MAYO, *Present*.

AMOS KENDALL.

[The following remarks accompanied the above letter:]

Thus it appears Mr. Burdine was refractory. He would not work, nor would he give testimony. To suit his views, he was no officer of the Government, and under no control, for which his salary was discontinued by the Secretary of War; but, for other views, he is now considered an officer by himself, and Mr. Edwards, who set him at the head of a division in the Pension Office, on the 2d of July, one day after I was dismissed, for want of work, as he alleges. On the 3d July, Mr. Burdine withdrew again, and has not been to the office since.

It cannot be disguised, that Mr. Edwards has taken this course towards me, not because there is not work to employ me upon, not because I am any way deficient, but, because I am too efficient, and too observant of errors committed in the office. This is the true misery of the ease.

R. MAYO.

[6.]

WAR DEPARTMENT, August 15, 1833.

Hon. LEWIS CASS, *Secretary of War*.

I have the honor to announce the completion of the publication of the Pension Laws, of which I have had the superintendence, according to your order, and the delivery of the same to the book-binder, Mr. Sergeant, as per inclosed receipt.

The documents herewith accompanying, marked A, B, and C, were delivered to me by Mr. Edwards, by your order, as part of the materials for publication, and for which I passed to him my receipts. Those marked D, were obtained from the Attorney General's Office, to supply imperfections in the afore-mentioned. The printed laws which I used, belonging to the Pension Office, were returned some time since. The copy of laws which I had the use of, from the War Department proper, will be delivered to the messenger to-day.

Very respectfully, your obedient servant,

R. MAYO.

[CLASS D.]

[1.]

[The following correspondence will speak for itself; it took place on the occasion of my dismissal from the Patent Office by Mr. Ellsworth:]

WASHINGTON CITY, July 18, 1836.

DEAR SIR: In seaman's phrase, I have completely boxed the compass, and have found no harbor of repose, no anchorage, no resting place.

In conversations last evening with * * * * and * * * *, I learnt that all the arrangements growing out of Mr. * * * 's appointment in * * * *, and contemplated resignation here, have been made nearly six months ago; and that such is the case with almost every vacancy that occurs in the * * * *, or * * * *, before the public generally know of their existence. Thus it is obvious that none, but those immediately in connexion with that service, have a possible chance of success for any thing in that way.

My chance was as bad at the * * * *. * * * * returned to me this morning my papers, which had been referred to him by * * * *; from which I have separated my letter of application to * * * *, and here inclose it for your perusal. In order to be certain that the statements therein were correct and authorized by Mr. Ellsworth, I showed him the letter, and received his confirmation in presence of a third person, before it was sealed. How far the appointment of Mr. Hand, (who has always been considered to be an opposition coalitionist, and who was already provided for, as he has been for years) can be considered a payment of a political debt to Connecticut, is not for me to determine.

But viewing my case, as it now stands, you will perceive that I have done every thing in my power without success; and that as a final resort, I am under the necessity of consoling * * * *, with a hope that, if it *should be in your power to offer me* any thing in the Post Office Department, *you will do so*, and thereby counter an obligation ever to be remembered by

Your respectful and obedient servant,

(Signed)

R. MAYO.

Hon. AMOS KENDALL.

[Kendall took no notice of this letter, but seeming to avail himself of my expression of reliance on his spontaneous tender of appointment, when it should be convenient, passed the matter in silence. But I was resolved to bring him to his speech, as I had many reasons to believe he was working the under current against me, which shall be made public hereafter. I therefore, some time after, urged him for an answer, which was made in the following jesuitical and evasive strain, yet, half promising, but leaving me to doubt, while, in fact, there were several vacancies in the Department at that time, as was notorious here, though he affected to conceal it.]

[2.]

BALTIMORE, August 4, 1836.

DEAR SIR: The arrival of my family for the purpose of taking passage with me in the rail-road cars, prevented an answer to your letter to-day, before I left Washington.

In compliance with your request, I have now to state that all the places in the Post Office Department, of the character you seek, have been filled; that one gentleman is retained temporarily until one of the newly appointed arrives, whom I shall feel under obligations to provide for permanently, if an opportunity should present itself; and that there are two others so circumstanced, that I should feel myself obliged to prefer them to recent applicants.*

On the whole, there is no probability that I can give you employment in any short period, nor do I think it right to promise it at all; and I trust you will be able to find occupation elsewhere, which shall be suited to your inclinations, and will yield you the means of comfort.

I am, very respectfully,

Your obedient servant,

Dr. ROBERT MAYO.

AMOS KENDALL.

* I was not a *recent* applicant, nor did I specify any *place*, as he insinuates.

[This evasion did not suffice for me. I was determined that he should be more explicit, in some way. I therefore addressed him the following, on his return to Washington, infusing into it a little of the spicy stimulant, which would more probably bring him to his speech. It did, accordingly, in the reply that follows, in which he lays off all disguises, and under the firm conviction that I was now, indeed, dependent upon him, crying out, come help me, or I sink ;—he seizes the fit occasion, and plunges me to the bottom, as he thought—but he only attempted the dastardly thing that I expected, while I resolutely stood my ground, and held him at defiance.]

[3.]

WASHINGTON, *September 10, 1836.*

DEAR SIR : I called yesterday to greet your return home, and to express my thanks to you for your *friendly* letter from Baltimore, when you left—but did not have the pleasure to see you, being then engaged, as the messenger informed me.

On perusal of your letter, I was sorry to find your good will to befriend me, defeated by so many *little* obstacles, which I thought would have yielded, in some shape or other, to those *friendly* impulses, which I *know* to sway your bosom.

Perhaps I go too far in my views on this subject. If I know myself, I think I could safely say, that a political friend, of *suitable qualifications*, would never leave me with a negative to his application for employment, while there remained an enemy in my service, whose dismissal would enable me to grant his request. But I ought long since to have learnt, that my impulses do not afford the proper rule to govern, or criterion to judge, the actions and policy of others, as many recent occurrences, in several of the Departments, will sufficiently attest. So far from it, I must be reconciled to see political enemies, who have been provided for ten and twenty years, and who are ready to plunge the poignard to the hilt, when the occasion shall suit, still further advanced and promoted, instead of being dismissed ; while political friends are frowned upon or neglected, and in one case, even turned out, in order to make room for an enemy, (under the pretence of paying a political debt to a State,) whose citizenship had been long abandoned, and whose politics were of an adverse stamp. To be reconciled to these things, indeed, is saying rather too much ; but to submit, because it is impossible to kick against the pricks, is inevitable, even though it be with an *ill grace*.

That you would have proved a host, in the cause of Jacksonism and Reform, none doubted ; and that you will discountenance, as far as is in your power, the preference of enemies, and the oppression of friends, I fully believed. Much have you done, and much remains for you to do : nor will I *permit myself to doubt*, that in the progress of this holy work, you will extend a hand to me. But that I should feel some restlessness under the delays that *policy* or *convenience* may render necessary, will not surprise you, when you review, in a brief sketch, the procrastinations and sufferings I have already endured.

I have been engaged twelve years (by writing and otherwise) in advocating the cause of Jackson democracy, and lost my professional patronage, at an early period, by it.

I have been nearly eight years of that time in Washington, maintaining a forlorn struggle, against fearful odds of political enemies, who, nevertheless, enjoy the patronage of the Administration I have supported.

In the early part of this period, and under the better prospects I then thought I had before me, I acquired the delicate obligations of a family : but shortly afterwards, the overpowering numbers of political enemies in the Bureaux, having become bold, from indulgence of their superiors, marked me for destruction, even under the eye of the President. * * * *

In the whole of this time, we have never had it our power to pay a visit to our friends in Virginia, during which I have lost three brothers, two sisters, and several other near relatives. And with a continuance of this unequal struggle with my enemies, where the power, too, entirely rests with my political friends, I may lose all my family in Virginia, before I may have it in my power to pay them a visit, or introduce my wife for the first time.

I may be mistaken, in supposing that, were it in my power, I would strain a point for a friend, under such circumstances, and conclude his sufferings. I know we cannot always tell how we would act, until we are vested with the power, and placed under the responsibilities of the new situation. Therefore, probably much greater allowances ought to be made, than I am prepared to appreciate, for my political friends' seeming tardiness in relieving me from this protracted torture.

Yours, &c., &c.

(Signed)

R. MAYO.

[4.]

[In fact, I did not expect an appointment from him. I was in pursuit of a different thing; and here it is:]

WASHINGTON, September 13, 1836.

DEAR SIR: I have received and read your letter, of the 10th instant, having reference to employment in some of the public offices, and of the Post Office Department in particular.

In reference to this Department, circumstances have not changed since I wrote you from Baltimore.

Pardon me for saying, that, upon a dispassionate view of your whole case—the past and the present—I think you ought to give up the hope and desire of being employed in the Public Offices in this City. I feel the more free to say so, because I know that such would be my own resolution in your case.

A little reflection, I think, and casting your eyes on those who move around you, and the circumstances in which even those who would befriend you are placed, will satisfy you as to the grounds of this advice, and make it unnecessary for me to recapitulate them. With great regard.

AMOS KENDALL.

[Had I been more plain and explicit, I should have failed to kill the Devil with his own weapons; he would not have come forth! But I knew my secret assailant, in all his disguises; and now I dismiss him, naked! prostrate! completely unriddled, and harmless!]

[CLASS E.]

DEAR SIR: I enclose you the copies you requested; and inquired of Dr. Hunter (who has all the files of applications for Clerkships) for the recommendations of your deceased brother, and he could find none.

I am, very respectfully, dear sir, your obedient servant.

C. K. GARDNER.

DR. ROBERT MAYO.

November 23, 1836.

Copies from the files of the Post Office Department.

[1.]

General Post Office Department,

To the Estate of George Mayo, dec'd, Dr.

To six months services as a temporary Clerk, from the 1st of September, 1831, to the 1st of March, 1832, (having been employed part of the time in the First Assistant Post Master General's division, and the greater part of the time in the Second Assistant's division, and afterwards received an appointment as a permanent Clerk, at \$800 a year; but for his services, before rendered, he never received any compensation,)—the customary rate of temporary Clerks being \$800 a year—six months, - - - - - \$400 00
Washington, October 28, 1836.

Presented by Robert Mayo, representing the deceased.

[2.]

Statement in explanation of the accompanying Bill.

When these services were rendered, I was a clerk in the First Assistant Post Master General's division, as Register of Letters. About the 1st of September, 1831, in addition to my regular duties, under a pressure of business in the Department, several other matters were detailed to me to perform, such as preparing a report of the emoluments or nett proceeds and salaries of the various Post Offices, &c.; and to address and distribute a new edition of ten thousand Post Office Lists. The deceased was living with me at the time, and was invited to come to my room in the Department, and undertake the duty of directing this edition of ten thousand Post Office Lists—which he performed according to the instructions of the First Assistant, (then Acting Post Master General,) while I performed the other jobs, in addition to my regular duty. I have now in my possession the old Post Office Lists, which was placed in the hands of the deceased, with erasures and corrections by the Acting Post Master General, for his guide in addressing the new edition. The deceased performed this duty entirely to the satisfaction of Col. Gardner, as I understood, (except a small portion of it, which was done by Mr. Wharton,) and was afterwards transferred to the Second Assistant's division, and took charge of a set of books there, which will show that he continued there till a few days in March, following.

When Major Barry returned to the office, during the fall of 1831, application was made to him for a permanent Clerkship, under the recommendation of Mr. Stevenson and Mr. Archer of Virginia, which was promised to him. But the long delay of the appointment, under the daily expectation of receiving it, at once prevented the claim for temporary services, while it would seem fully to justify its being made; and it is now revived chiefly for the benefit of his grave, which has laid exposed ever since his death—which, too, was mainly brought about by his extreme application to his duties, notoriously averaging more than ten hours a day, when office hours were only six a day.

(Signed)

R. MAYO.

Washington, October 28, 1836.

P. S. I refer to Col. Gardner and Major Hobbie, for a distinct recollection of the services as stated, &c. (Signed) R. M.

[3]

WASHINGTON, Nov. 10, 1836.

DEAR SIR: I called at the Post Office Department this morning, to lay before you the enclosed papers, but regretted to learn that you were absent in consequence of indisposition.

As soon as you are able to attend to business, I wish you would have the goodness to examine this claim and order its payment, if you find it just and reasonable. According to the statement of Dr. Mayo it appears to me to be a fair claim upon the Department, and should be allowed. However, I do not pretend, myself, to know any thing of the facts or merits of the claim, but presume that Messrs. Gardner and Hobbie, to whom he refers, are well acquainted with the case.

The Doctor has requested me to lay this claim before you, because he felt a delicacy, he said, in presenting it himself. I should have done it in person had I found you at the Department.

Respectfully,

(Signed)

W. B. LEWIS.

To Hon. AMOS KENDALL.

[4.]

Official endorsements of the above Papers.

Respectfully referred to Col. Gardner for the facts of the case, according to his recollection. (Signed) A. K.

I have no recollection of the time the late *George Mayo* served in the Post Office Department, previously to his being employed by authority of the Post Master General, which, I find by the record, was *June 1st, 1832*. I can only call to my remembrance, that he was previously employed, as I understood, by his brother, Robert Mayo, to aid him in addressing a new edition of the Post Office List.

I never was "Acting Post Master General," according to the provision of the Post Office Law; though Major Barry was much absent.

Respectfully submitted,

(Signed)

C. K. GARDNER.

It does not appear that Mr. George Mayo was employed by the Post Master General, or that he even expected compensation—his service having been merely in aid of his brother. If it were otherwise, there is no fund out of which the claim can be paid, there being no appropriation to which it is chargeable.

(Signed)

A. K.

November 19, 1836.

The Auditor will please file these papers, and inform Dr. Mayo of the state of the case. (Signed) A. K.

[5.]

AUDITOR'S OFFICE FOR THE POST OFFICE DEPARTMENT,

November 21, 1836.

SIR: Your letter of the 28th ultimo, and the accompanying account for services of your deceased brother, as clerk, prior to his employment by authority of the Post Master General, have been considered by the Post Master General, and he has

instructed me to communicate to you the following, as his decision: "It does not appear that he was employed by the Post Master General during the time stated in the account, or, that he ever expected compensation, his services having been merely in aid of his brother. If it were otherwise, there is no fund out of which the claim can be paid, there being no appropriation to which it is chargeable."

I am, very respectfully, sir, your obedient servant,

(Signed.)

C. K. GARDNER, Auditor.

R. MAYO, Esq.

[6.]

(Copy.)

WASHINGTON CITY, November 28, 1836.

SIR: I have received your letter of the 21st instant, and a copy of the papers on file in your office, relative to the services of Geo. Mayo, deceased, in the Post Office Department in 1831, and in 1832.

I am sorry to perceive, from the endorsation of the Post Master General thereon, referring them "to Col. Gardner for the facts in the case, according to his recollection," and from the endorsation of Col. Gardner, in answer, that the *final* endorsation of the Post Master General was made without any reference to Major Hobbie for his recollections on the subject. Possibly, the Post Master General's reference to Col. Gardner, was intended to embrace an inquiry of Major Hobbie, equally with Col. Gardner, for his recollections in the case. But, as it does not appear that Major Hobbie has made any statement, and as he is a very material witness—George Mayo having been transferred to the room of Appointments in his division, by an arrangement between himself and Col. Gardner, at an early period of the services claimed, say about the 1st of October, one month after the services commenced, and continued to serve in that room, with other clerks under the direction of Major Hobbie, some of whom are yet in the Post Office Department, and would recollect the facts, in part, Doctor Lacey, for one—I beg leave, respectfully to request, through you, the indulgence of the Post Master General, to re-open the case, in order to make the inquiry for the facts more complete.

I am encouraged to make this request, because I am confident it would enable the Post Master General to reach very different conclusions from those he endorsed on the papers, viz: that "George Mayo's services were not authorized by the Post Master General—that he never expected compensation—his services having been merely in aid of his brother." It will be in my power to show, by a full inquiry, all the facts adverted to in my note explanatory of the bill rendered, viz: that, though I invited George Mayo to my room in the Post Office, about the 1st of September, 1831, to address an edition of the Post Office List, yet, this, and other jobs, had been brought from another division of the Post Office Department, to me, to perform, on account of the pressure of business in the office, (as was then stated to me;) by which it is obvious my aid was put in requisition to assist that division: and upon the principle that despatch was desirable, I requested my brother's aid; which, so far from being objected to by Col. Gardner, (then head of the office, Major Barry being absent,) was performed under his occasional supervision, and to his entire satisfaction, as was frequently expressed to me. Application was made to Major Barry, on his return to Washington for *compensation*, but no formal action was taken on it; true, it was not allowed. When that job was finished, about the 1st October, George Mayo was transferred to the office, or room of Appointments, under Major Hobbie, as above stated, where he continued for the balance (five months) of the time claimed.

If then, the invitation to my brother to assist me in despatching masses of work, (under the supervision of Col. Gardner, and appearing every way acceptable to him,) in which, too, I was assisting another division of the Department, may fairly be considered in the light of "*assistance rendered me merely*," yet, surely, from the time of his transfer to another division of the office, by an arrangement between Col. Gardner and Major Hobbie, in which I had no agency, his services cannot be

considered as "merely in aid of me," for I never knew the function in which he was there employed: but were such as ought to have been remunerated by the Department.

Moreover, these services were rendered, pending the almost daily expectation of a permanent appointment, according to promise of Major Barry to Mr. Stevenson and Mr. Archer, from the commencement of that session of Congress, which placed George Mayo in a very delicate situation, by protracting his services, under delusive expectations, which, at the same time, prevented his pressing or reiterating a claim for remuneration.

Suppose this temporary employment had been protracted for a year or two, with the *ignis fatuus* of a daily expectation, from *promise deferred*, to have a permanent appointment—might it not, in equity, constitute a fair claim for compensation? or would not common sense call the procrastination and refusal to compensate, an egregious take-in! The application to Major Barry, in the first instance, for compensation, was not based upon the authority of my invitation to George Mayo, to assist me, but upon the satisfaction given to the Department by his performance, and the recognition and continuance of his services, with promises of a permanent appointment, injuriously postponed for months, to him, while his services were *acceptable* and *beneficial* to the Department. Under this view of the case, I am confident the honorable Post Master General will confirm the claim; and if there be no fund out of which it may be paid, will include it among other estimates for an appropriation, to be laid before the Post Office Committee, or otherwise, as to him may seem fit.

I have the honor to be, &c.,

(Signed)

ROBERT MAYO.

HON. C. K. GARDNER, *Auditor of the P. O. Dept.*

[7.]

AUDITOR'S OFFICE FOR THE POST OFFICE DEPARTMENT,

January 3, 1836.

SIR: Upon the subject of your last communication, respecting your claim to compensation, for services of your deceased brother, as Clerk, I beg leave to state, that before the conflagration of the Post Office Building, the claim, as explained in that communication, was again brought before the Post Master General, who adhered to his decision in the case, communicated to you in my letter of the 21st November last, there being no appropriation, out of which the claim, if considered well founded, could be paid.

I return the papers, except the communication above referred to, which, although not probably lost, has been missed since the fire.

I am very respectfully, sir, your obedient servant,

(Signed)

C. K. GARDNER, *Auditor.*

DR. R. MAYO.

[Such are the ideas of equity entertained by the Head of one of the great Departments of this Government, who next turns about to charge me with fabricating a fraudulent claim, while claims have been granted in profusion to favorites in the same Department, for nothing done!!!]



WERT BOOKBINDING

JAN

1989

Grantville, PA

